

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

LEAGUE OF CONSERVATION VOTERS <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 3:17-cv-00101-SLG
)	
DONALD J. TRUMP <i>et al.</i> ,)	
)	
<i>Defendants,</i>)	
)	
AMERICAN PETROLEUM INSTITUTE and STATE)	
OF ALASKA,)	
)	
<i>Intervenor-Defendants.</i>)	
)	

DECLARATION OF ELISABETH BALSTER DABNEY

I, Elisabeth Balster Dabney, hereby declare as follows:

1. I am the executive director of the Northern Alaska Environmental Center (Northern Center). I have been employed by the Northern Center since June 9, 2014. My responsibilities include communicating to the public, media, federal and state agencies, and our members about issues affecting the Arctic, the values Northern Center supports, and strategies they might employ to protect or to manage for these values. In this capacity, I am familiar with all aspects of the Northern Center's mission and activities as they relate to arctic Alaska, including the Chukchi and Beaufort seas and the adjoining onshore areas.

2. Northern Center is a non-profit environmental organization based in Fairbanks, Alaska. Northern Center has approximately 900 members and over 3,000 supporters in Alaska and throughout the United States. The Northern Center's staff and members rely on Northern Center to represent their interests in issues affecting Alaska's public lands and waters.

3. Since 1971, Northern Center has worked to educate its members, the public, the media, and decision-makers about critical land-use and resource development issues in Alaska, including the Arctic. Northern Center's mission is to promote "conservation of the environment and sustainable resource stewardship in Interior and Arctic Alaska through education and advocacy." Northern Center seeks to educate its members and the general public through its web site, online platforms, the publication of a quarterly newsletter "The Northern Line," in which relevant environmental and resource issues are discussed in detail, and through public meetings, petition drives, and public awareness campaigns.

4. The Northern Center has been a consistent advocate for protective plans and management structures across Alaska's Arctic lands and seas. We recognize the need for integrated approaches across America's Arctic to permanently protect treasured landscapes that

address combined threats and protections for the Arctic Ocean, coastal waters, and adjacent onshore lands.

5. The Northern Center has many concerns relating to oil exploration drilling in the Arctic Ocean and the associated industrial activities. Oil and gas exploration and development activities could permanently alter the currently unspoiled environments of the Chukchi and Beaufort seas, and pose serious threats to the health of the ocean and the adjoining coastal and terrestrial habitats and the dependent species and traditional lifestyles. Exploration and development will introduce new noise and pollution sources, including those from vessel and air traffic, and drilling rigs. Marine noise is known to cause disturbance in marine life, including whales, seals, Pacific walrus, and fish. Oil and gas activities also threaten the Arctic Ocean region with oil spills and other pollution that could have devastating effects on sensitive marine organisms and birds, including endangered bowhead whales and threatened spectacled and Steller's eiders and polar bears. The Northern Center is also concerned about the potential degradation of Chukchi and Beaufort seas coastal areas, including Kasegaluk Lagoon, and other terrestrial habitats within the National Petroleum Reserve-Alaska (Reserve) and the Arctic National Wildlife Refuge (Refuge) from potential oil spills and onshore activities associated with offshore exploration and development, including aircraft overflights, water and gravel withdrawals, roads, pipelines, and other infrastructure. These onshore areas provide important calving and insect-relief habitat for the Western Arctic Caribou Herd, polar bear denning critical habitats, as well as nesting, feeding, and staging habitats for many bird species. Oil exploration and development activities also risk migratory species on their route to and from their habitats in the Chukchi and Beaufort seas.

6. Development in the Arctic ocean would bring new strain to a sensitive and stressed marine environment. Exploration and development would occur in and around important biological areas for bowhead whales, polar bears, seals, and walrus. Disruptions from boat traffic, man-made structures, and noise threaten to alter whale migration routes and impact the feeding and reproduction of marine mammals. According to BOEM's own analysis, the full impact of industrial noise on marine life is not known. The Arctic Ocean is already undergoing rapid change, with a dramatic and steady reduction in pack ice and increasing acidification of ocean waters. Bowhead whales, fin whales, humpback whales, bearded and ring seals, and polar bears are all listed as threatened or endangered under the Endangered Species Act and walrus are under consideration for listing. Development activities would also take place near sensitive and important coastal areas, including the Arctic National Wildlife Refuge and Teshekpuk Lake. In addition to the impact of routine operations, all fossil fuel development carries the risk of accidents and spills. Based on historical spill rates, BOEM predicts that development of the Beaufort and Chukchi seas resulting from its five-year plan would result in up to nine spills greater than 1,000 barrels of oil and 83 spills between 50 and 1,000 barrels. The grounding of Shell's floating drill rig, the Kulluk, demonstrates that despite strict regulations and a culture of safety, accidents still happen. The offshore Arctic poses unique challenges. The Beaufort and Chukchi seas are covered in ice for most of the year, allowing only a short season for exploration and development and complicating the installation of permanent platforms. The state's Division of Oil and Gas includes in its list of geologic hazards earthquakes; sea ice and ice gouging; waves, erosion, and currents; unstable sediments and shallow gas deposits; and permafrost. Ocean conditions, including strong winds, currents, and the presence of ice, complicate the recovery of oil, and standard resources for spill response are unavailable. The nearest deepwater

port is in Dutch Harbor, roughly 1,100 nautical miles from Utqiagvik. The nearest Coast Guard Air Station is in Kodiak, 945 nautical miles from Utqiagvik. A very large spill could have catastrophic impacts on Arctic ecosystems and local residents.

7. The Northern Center envisions a Northern Alaska far into the future that remains a land of superlatives—as inspiring, healthy and supremely beautiful as it is today. Our globally important wildlands will remain biologically diverse and productive, with abundant fish and wildlife that support vigorous subsistence traditions and an extraordinary, increasingly sustainable quality of life for Alaskans. Alaskans will maintain these enviable qualities undiminished across generations by protecting our vast expanses of ecologically intact habitat, by shifting our economy toward sustainable use of renewable resources, and through careful stewardship of non-renewables. We thrive by respecting environmental carrying capacity, thereby safeguarding the rich natural environment that has supported Alaskans for over ten thousand years. We envision a Northern Alaska Environmental Center that plays a leading role in achieving this promising future through strong grassroots organizing, defensive work, exploring solutions, and by building broad coalitions that translate Alaskans’ passion for our home into an environmentally and culturally sustainable future.

8. Regarding the revocation of the President Obama Arctic Ocean withdrawals, the Northern Center has strongly supported policies that would leave the Arctic Ocean off-limits to oil and gas development. A longstanding strategic plan mandate has been to protect the ecological integrity of the Beaufort and Chukchi Seas. The Northern Center has engaged in various public processes concerning oil and gas exploration and development in the Arctic Ocean. Regarding the leases, formerly held by Shell Oil, for which ASRC has requested Suspensions of Operations, the Northern Center has voiced these and other concerns in various

administrative processes related to Shell's exploration drilling program on those leases in the Chukchi and Beaufort seas. The Northern Center has submitted comment letters to the Bureau of Ocean Energy Management (BOEM) on Shell's 2010, 2012, and 2015 Chukchi Sea Exploration Plans and 2007-2009, 2010, 2011, and 2012 Beaufort Sea Exploration Plans, and to the Bureau of Safety and Environmental Enforcement on Shell's Chukchi and Beaufort seas 2010 and 2011 oil spill plans. The Northern Center also submitted comments on the Environmental Protection Agency Air Quality Control permits for Shell's *Discoverer* and *Kulluk* drillships and the National Marine Fisheries Service's incidental harassment authorizations for Shell's exploratory drilling in the Beaufort and Chukchi Seas. On June 21, 2015 the Northern Center gathered 164 signatures in eleven hours explicitly asking signers to petition President Obama to suspend all drilling leases in the Chukchi Sea. Throughout 2016 and 2017 we have supported legislation that is consistent with our strategic mandate to keep the Arctic Ocean protected and have opposed policies that would inhibit the transition away from fossil fuel dependency and aggravate strong mitigation strategies to curb carbon emissions.

9. The Northern Center also has actively demanded protections for the Chukchi and Beaufort Seas and the Arctic region through other public processes. The Northern Center aims to defend the integrity of conservation units and wildlands in Arctic Alaska through planning process involvement and through supporting regional and local sustainable solutions concerning energy use, transportation, and economic development. Northern Center members attended BOEMs Fairbanks open house on the Five-Year OCS Oil and Gas Leasing Program for 2017 – 2022 and two staff members attended the Anchorage open house. Northern Center members and staff were able to comment at both events, respectively. The Northern Center has provided comment letters concerning the environmental impact statements for Chukchi Sea Lease Sale

193 and on the multi-sale Beaufort Sea Environmental Impact Statement (Lease Sales 186, 195, and 202). Additionally, the Northern Center has commented on the Five-Year OCS Oil and Gas Leasing Programs for 2007-12, 2010-15, 2012-17, and 2017-22; the draft multi-sale Beaufort and Chukchi Sea Environmental Impact Statement (Lease Sales 209, 212, 217, 221); National Marine Fisheries Service's incidental harassment authorizations for seismic surveys in the Beaufort and Chukchi Seas and the Draft Programmatic Environmental Impact Statement for Seismic Surveys in the Beaufort and Chukchi Seas; and the Environmental Protection Agency's wastewater general permits for oil and gas exploration drilling and geotechnical surveys in the Beaufort and Chukchi Seas. The Northern Center has also commented upon regulations from the Bureau of Safety and Environmental Enforcement and the Bureau of Ocean Energy Management governing Arctic OCS exploratory drilling and well control and safety equipment requirements. We submitted a scoping and RFI comment for the 2019 – 2024 Five-Year Plan and plan to submit comments for the proposed Beaufort Sea lease sale. The Northern Center filed substantive comments for BLM's draft environmental impact statement for Hilcorp's Liberty Project.

10. The Northern Center testified, as did many of its members, at a BOEM hearing on the draft supplemental EIS for Chukchi Sea Sale 193, the first hearing on offshore leasing or exploration held in Fairbanks in 30 years. On July 14, 2015 we called 231 Northern Center members and urged them to participate in a Fairbanks rally protesting the presence of Shell in the Chukchi Sea. On July 18, 2015 we held two events in Fairbanks, Alaska, a flotilla and a community barbeque, to raise awareness of the risks of Shell's presence in the Chukchi Sea.

11. Oil and gas development in the Arctic Ocean requires operating without accident under harsh conditions in a sensitive marine ecosystem upon which thousands of Alaskans rely.

Development in federal waters represents a large-scale expansion of fossil fuel development expected to produce billions of barrels of oil over several decades. The Northern Alaska Environmental Center opposes any new sale of leases in federal waters of the Beaufort and Chukchi seas. The Northern Center likewise opposes the development of any prospects on existing leases that involve substantial new production, require extensive new infrastructure, or pose significant environmental risks. Therefore, the Northern Alaska Environmental Center strongly supported President Obama's withdrawals through public education and advocacy efforts including, through our social media channels, online platforms, electronic mail newsletters, print newsletters, at advocacy events, comment letters and petitions, and in the print media. This outreach included advocacy to keep oil and gas in the ground in federally managed waters, including the withdrawal of the Arctic Ocean from future oil and gas development.

12. The Northern Center has invested significant organizational resources in numerous efforts to gain protection for the Chukchi and Beaufort seas, the adjacent Reserve and Refuge, and their outstanding wilderness and wildlife resources. The Northern Center has two high-priority objectives for the Arctic land-based program. The first is to permanently protect sensitive wildlands in Northern Alaska by promoting Wilderness designation where appropriate and other protective statuses when possible. The Northern Center places special emphasis on our largest and most biologically important conservation lands, including the National Petroleum Reserve—Alaska (Reserve), but with a keen sensitivity to the overall ecological integrity of Arctic Alaska. Our second priority is to defend the integrity of conservation units and wildlands in Arctic Alaska through planning process involvement and by supporting regional and local sustainable solutions concerning energy use, transportation, and economic development.

13. The Northern Center has members who have used and enjoyed, and will continue to use and enjoy, the Chukchi and Beaufort seas and adjacent onshore areas for various purposes, including various forms of outdoor recreation, fishing, wildlife viewing, birding, photography, and solitude. Members of Northern Center also enjoy observing Chukchi-and Beaufort-dependent migratory whale and bird species along their migratory paths. Oil and gas activities such as seismic surveying, exploratory oil drilling, noisy and polluting barge, icebreaker, and other vessel, helicopter and aircraft traffic, and construction of offshore oil fields, pipelines, roads, processing plants, docks, ports, and other infrastructure will negatively and permanently interfere with these uses. Offshore development would impact North Slope residents directly through increased air, noise, and light pollution and increased industrial activity and indirectly through impacts to animals harvested through subsistence activities. North Slope residents are already dealing with the impacts of climate change, including thawing ground, increased erosion, and shifting patterns of fish and wildlife. The Northern Center acknowledges the role of fossil fuel development in the economy of North Slope communities, but believes expanded development runs counter to the steps necessary to protect the North Slope and all of Alaska from the harmful impacts of climate change. Alaskans at the local, state, and national level share a responsibility to protect all residents during the transition away from fossil fuels.

14. The Northern Center's concerns about oil and gas leasing, exploration, and development in the Chukchi and Beaufort seas extend throughout the Arctic. We are of the view that the Department of the Interior is approaching planning for oil and gas development in the Arctic in actions being taken independently of each other, without adequately assessing the cumulative impacts of all the actions together. The Northern Center believes that carrying these actions out independently leads the American public to believe that the actions are not inter-

related. The federal agencies rarely if ever put all of their proposed actions on maps that show the full picture of the industrialization of the area and therefore the Northern Center spends considerable resources compiling such information about proposed lease sale areas. The Northern Center advocates for all federal and state land and water managing agencies review any new development in state or federal waters with consideration of environmental risks and economic benefits to Alaskans in light of the need to dramatically reduce global greenhouse gas emissions. Production from existing projects must continue to demonstrate safe operation and compliance with state and federal law. Planning process should consider the landscape level potential impacts and the American Arctic should be seen holistically as one integrated ecosystem. Therefore, planning process should consider the overall, cumulative impacts of development to the area as a whole.

15. The Northern Center is concerned that any revocation of the President Obama withdrawals will result in oil and gas companies exploring and potentially developing in America's Arctic Ocean causing harm to wildlife and communities that depend on the areas, and threatening catastrophic harm from an oil spill. The development of offshore resources would bring significant new industrial infrastructure and activities. BOEM predicts that one Beaufort Sea project would involve up to 25 production platforms, 1,840 wells, and 410 miles of underwater pipeline. Production in the Chukchi would require up to 300 miles of new pipeline onshore. New processing facilities, oilfield support facilities, and transportation facilities would likely be needed. Exploration, development, production, and decommissioning would likely result in noise from ship and air traffic, drilling, construction, and explosive platform removals; increased air and water traffic; discharge of liquid wastes, drilling mud, and cement residue; disturbance of the sea floor; air emissions; and light pollution. Not including the risk of major oil

spills, BOEM anticipates Arctic Ocean development to result in moderate impacts to marine mammals and marine benthic species, meaning impacts are unavoidable and possibly irreversible, and major impacts in the areas of sociocultural systems and environmental justice, which BOEM defines as “unavoidable disruptions to a degree beyond what is normally acceptable.” Significant development in the offshore Arctic risks dramatically and irreversibly altering the natural and cultural landscape of the North Slope as well as the wild nature of the Arctic.

16. Current and projected impacts of anthropogenic climate change demand the dramatic and immediate reduction of greenhouse gas emissions. Analysis has found that in order to avoid the worst impacts of climate change—and to meet global goals set under the Paris Agreement of 2015—the vast majority of fossil fuel resources must be left undeveloped. While consumption of fossil fuels is ultimately driven by demand because of the global nature of fossil fuel markets, it is also necessary to consider supply. President Obama rightly recognized the climate impacts of oil and gas consumption and the government’s role in enabling oil and gas production when the administration decided in late 2016 to stop offering new leases in a vast majority of America’s Arctic Ocean. The scale and timing of OCS development in the Arctic make it incompatible with the need to shift away from fossil fuels. It is unreasonable to encourage such projects. In sum, if leasing and production of the Arctic’s offshore oil and gas occurs it will harm the Northern Center and its members’ interests in the Chukchi and Beaufort seas and surrounding areas and their goals to keep the planet within a two degree warming scenario.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: 06/06/18

By: Elisabeth Balster Dabney
Elisabeth Balster Dabney
Executive Director
Northern Alaska Environmental Center